

**3585. Misbranding of Swissco hair and scalp remedy. U. S. v. 80 Cases of Swissco Hair and Scalp Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 5638. I. S. No. 9527-h. S. No. E-13.)

On March 21, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on March 24, 1914, an amended libel, for the seizure and condemnation of 80 cases, each containing 6 dozen cartons of Swissco hair and scalp remedy, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the product had been shipped on or about March 25, 1913, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Swissco Hair and Scalp Remedy. Contains not over 14% grain alcohol by volume. Stops falling hair, imparts color to gray or faded hair; removes dandruff, relieves scalp diseases and promotes hair growth. Rub well into the scalp night and morning. Always shake before using. Price 50 cents. Swissco Hair Remedy Company, Cincinnati, Ohio, U. S. A. Guaranteed by Swissco Hair Remedy Company under the Food and Drugs Act June 30, 1906, No. 2545."

Misbranding of the product was alleged in the libel for the reason that the labels thereon contained statements, to wit, "Hair and Scalp Remedy," forming a portion of the name of the product, "stops falling hair, imparts color to gray or faded hair; removes dandruff, relieves scalp diseases and promotes hair growth," which said words and statements were false, fraudulent, and misleading, in that the composition of said article of drug and drug product was not such as to produce the therapeutic effects claimed in said words and statements upon said labels and cartons.

On June 23, 1914, a claim and stipulation for costs having been filed by Adolph Raine, as agent of Myer and Sidney Arensberg, proprietors of the Myrtle Avenue Drug Store, Brooklyn, N. Y., and said claimant having consented to the entry of a decree, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, conditioned, inter alia, that all circulars contained in the packages and cartons should be removed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1915.*